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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,805	12/08/2005	Herbert Walter	97086-00069	8217

27614 7590 03/26/2007
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EXAMINER

QUINN, COLLEEN M

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/559,805	Applicant(s) WALTER, HERBERT	
	Examiner Colleen M. Quinn	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: it appears in amending the claims the applicant failed to delete certain claim identifiers (i.e.: a), b) c)) before inserting amended claim identifier as the currently amended claim 1 contains identifier "ba)" (claim 1, line 16) and "bc)" (claim 1, line 18). Appropriate correction is required.

Claim 3 is objected to because of the following informalities: it appears the applicant intends to refer to the *-diameter (d)*—rather than the "distance (d)" in claim 3, line 7.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 relies on the diameter of a transverse rod, which is not actually being claimed. It is improper to claim a dimension relative to an article that is not actually being claimed, as it renders the claim indefinite since the article can vary in size.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 3,322,288) in view of Fenwick (US 3,664,511) as best understood in light of the above rejection.

Mayer discloses a device for detachably holding a transverse rod (1) supported by bracket arms (2a-c), attached to supporting structure (4a-c), the arms having forked shaped connection means (6a-c) comprising an adaptor (28a-c) including an arcuate cutout (shell of 30a-c), transverse to the supporting arm direction and axially to the supported rod (Figure 1), the adaptor including first and second prongs (30a-c and 31b) directed upwards around the cutout; insert jaws (40a'-c' and 40a''-c''), made of a resilient, flexible material (Specification, column 1, line 32), the insert jaws forming a half-shell shape having an opening that extends more than halfway around the transverse rod (Specification, column 1, lines 30-36), the insert jaws having a curved inner face and outer face (Figures 1-7), first widening and then narrowing, supporting the rod in place (Specification, column 1, lines 37-51), one side of the insert jaws being more flexible than the other, moving outward in order to allow for the insertion of the rod, before moving inward again to secure the rod in place (Specification, column 1, lines 40-51, and column 3, lines 14-19), wherein the adaptor comprises a groove (34)

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into which a rib (45) extends from the insert and wherein the supporting structure comprises a panel wall (front face of 4) capable of being secured to a wall in a building via vertical rails (4) and wherein the supporting arms are provided with a connecting piece (pegs at the ends of 2a-2c, as best seen in Figure 2) which is intended to be detachably fastened to the securing means. Mayer fails to disclose the adaptor to include lugs that fit into apertures on the insert.

Fenwick teaches a hangrod assembly (Figure 1) comprising supporting arms(10), inserts (35) and adaptors (16) that comprise upwardly extending prongs having lugs (30, 31) projecting toward each other and insertable into the apertures (38,39) arranged at the end of a groove (angled cut running from 38 to 39) on the insert providing substantial stability and security to the assembly (column 2, lines 14-21).

Therefore, it would have been obvious to one of ordinary skill in the art, to provide the device of Mayer with the lugs and aperture relationship taught by Fenwick, in order to provide a more secure and stable hangrod assembly.

Response to Arguments

Applicant's arguments submitted December 26th, 2006, with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen M. Quinn whose telephone number is (571) 272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMQ
3/22/07


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600